

IN THE COURT OF COMMON PLEAS
MONTOUR COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
Plaintiff

vs.

No. CV 332-2020

\$36,000.00 U.S. CURRENCY, EIGHT (8)
CASES OF SILVER COIN BULLION,
TWO (2) CARDBOARD BOXES OF
SILVER COINS, AND BRIEFCASE OF
MISCELLANEOUS JEWELRY,
Defendant

FILED
CLERK OF COMMON PLEAS
MONTOUR COUNTY PA
2021 JUN 17 PM 12:14

MOTION TO WITHDRAW
PETITION FOR FORFEITURE AND CONDEMNATION

AND NOW, this 17th day of June, 2021,
comes the Petitioner to the instant action, the Commonwealth of Pennsylvania,
Office of Attorney General, by and through Andrew J. Jarbola, IV, Deputy
Attorney General, and moves to withdraw its Petition for Forfeiture:

1. On Monday, February 17, 2020, the Commonwealth, through the
Pennsylvania State Police, seized the defendant/property, \$36,000.00 U.S.
currency, eight (8) cases of silver coin bullion, two (2) cardboard boxes of silver
coins, and briefcase of miscellaneous jewelry, as property subject to forfeiture
under 42 Pa.C.S.A. §5802. The property was seized on Interstate 80 eastbound
at approximately mile marker 224, Valley Township, Montour County,
Pennsylvania.

2. Given the facts of the underlying traffic stop, combined with
additional information learned regarding Michael Goodman Schifter's money
laundering activities, the Commonwealth filed a Petition for Forfeiture and
Condemnation on October 15, 2020.

3. On or about December 22, 2020, the Supreme Court of Pennsylvania issued its opinion in *Commonwealth v. Alexander*, which held that law enforcement needs a warrant to search a vehicle absent the existence of probable cause and exigent circumstances. ***Commonwealth v. Alexander***, 243 A.3d 177 (Pa. 2020).

4. While the Commonwealth has no doubt the underlying traffic stop was supported by probable cause, the search of the RV was supported by probable cause, and the seizure of the defendant/property was supported by probable cause, it is constrained to withdraw the filed forfeiture petition as the underlying traffic stop was conducted without a warrant.


5. As such, the Commonwealth is filing this request to withdraw its Petition for Forfeiture.

6. The Commonwealth has already informed defense counsel that it would be filing to withdraw its Petition, and will coordinate with counsel to have the property returned.

7. In discussing the return of the property, the parties have also suggested providing time for the claimant to inspect the property to ensure everything is present and to ensure there is no damage to the property.

WHEREFORE, the Commonwealth respectfully moves to have its Petition for Forfeiture and Condemnation withdrawn.

Respectfully submitted,



Andrew J. Jarkola, IV
Deputy Attorney General
Attorney I.D. #314659
Office of Attorney General
2515 Green Tech Drive
State College, PA 16803
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IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

Plaintiff

vs.

No. CV 332-2020

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CASES OF SILVER COIN BULLION,
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MISCELLANEOUS JEWELRY,

Defendant

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MONTGOMERY COUNTY PA
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CERTIFICATE OF SERVICE

I do hereby certify that this date I have served a copy of the foregoing
Motion for Continuance upon the following individual by electronic mail and
first-class mail, postage prepaid, at the following address:

Kyle W. Rude, Esquire
Attorney for Michael Schifter
Schemery Zicoello, P.C.
333 Market Street
Williamsport, PA 17701

Date: 6/17/21

Andrew J. Jarbala, IV
Andrew J. Jarbala, IV
Deputy Attorney General
Attorney I.D. #314659
Office of Attorney General
2515 Green Tech Drive
State College, PA 16803
(814) 863-6503

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Andrew J. Jarbola, IV

Signature: Andrew Jarbola IV

Name: Andrew J. Jarbola, IV

Attorney No. (if applicable): 314659

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